

April 8, 2014

Mr. Amrish Patel
AB Consultants, Inc.
9450 Annapolis Road
Lanham, Md. 20706

Re: Hare Krishna Temple – Bloomsbury Avenue
Forest Conservation Variance
Tracking # 01-14-1789

Dear Mr. Patel:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) for the above referenced site on March 7, 2014. This request proposes to impact one (1) isolated specimen tree onsite in order to develop a 1.07-acre lot for a Hare Krishna Temple. The specimen tree to be removed is in poor condition and poses safety concerns.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant proposes to remove one specimen tree in order to develop the 1.07-acre institutional site. This specimen tree is in poor condition and cannot be retained without posing a safety issue and impacting the feasibility of the proposed development. Consequently, full application of the law would deprive the petitioner of beneficial use of the property, and we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The proposed improvements are due to unique

Mr. Amrish Patel
Hare Krishna Temple
Forest Conservation Variance
April 8, 2014
Page 2

circumstances associated with the proposed development rather than general conditions in the neighborhood. Therefore, we find that this criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The site has historically been an existing Hare Krishna Temple, but will be improved. The specimen tree to be removed is within the interior of the property and thus will not alter the essential character of the surrounding neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. Removal of the one isolated, dying specimen tree will not impact any wetlands, stream or existing forest. Therefore, we find that granting the special variance will not adversely affect water quality, and that this criterion has also been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property necessitating this variance request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The removal of the specimen tree is necessary mainly due to its poor condition. Furthermore, there are no priority planting areas onsite, and the required afforestation will be met by paying a fee-in-lieu. Therefore, we find that this variance request is consistent with the spirit and intent of law and that this criterion has been met.

Based on our review, this Department finds that all required variance criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code with no special conditions given that the existing specimen tree is in poor condition. All standard forest conservation requirements for the project shall be met.

It is the intent of this Department to grant this variance as it was requested. Any changes to site layout may require submittal of revised plans and a new variance request.

Mr. Amrish Patel
Hare Krishna Temple
Forest Conservation Variance
April 8, 2014
Page 3

If you have any questions regarding this correspondence, please call Mr. John Russo at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

c. Ms. Marian Honeczy, Maryland Dept. of Natural Resources

VJG/jgr